

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
SOUTHERN DIVISION

JEANES-KEMP, LLC

PLAINTIFF

VS.

CIVIL ACTION NO. 1:09-cv-723(DCB)(JMR)

JOHNSON CONTROLS, INC.

DEFENDANT

ORDER

This cause is before the Court on the defendant Johnson Controls, Inc.'s motion for summary judgment (**docket entry 189**). Having carefully considered the motion and response, and being fully advised in the premises, the Court finds as follows:

Johnson Controls moves for summary judgment on all claims against it. Because this case was tried to the Court without a jury commencing September 19, 2011, and evidence was received on all claims, and the parties submitted trial briefs on all issues, the Court therefore finds that the motion for summary judgment is moot;

ACCORDINGLY, it is hereby ordered that the defendant Johnson Controls, Inc.'s motion for summary judgment (**docket entry 189**) is denied as moot.

SO ORDERED, this the 29th day of September, 2011.

/s/ David Bramlette  
UNITED STATES DISTRICT JUDGE